

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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KATHLEEN M. BROOKS, Individually and as  
Personal Representative of the ESTATE OF  
PATRICK M. HIGDON, deceased, and the ESTATE  
OF MARGARET M. HIGDON, deceased,  
JAMES B. HIGDON, a minor, by his Co-Guardians,  
James F. Brooks and Margery E. Brooks,  
PATRICK J. HIGDON II, a minor, by his Co-Guardians,  
James F. Brooks and Margery E. Brooks,  
MEGAN E. HIGDON, a minor, by her Co-Guardians,  
James F. Brooks and Margery E. Brooks,  
JAMES F. BROOKS AND MARGERY E. BROOKS  
DANIEL BROOKS AND CATHERINE BROOKS  
OBERT BURCH,

Plaintiffs,

Case No. 06 C 996

v.

OLD REPUBLIC INSURANCE COMPANY,  
ASSOCIATED ELECTRIC & GAS INSURANCE  
SERVICES LIMITED (AEGIS), RSUI INDEMNITY  
COMPANY, LIBERTY INSURANCE UNDERWRITERS, INC.,  
LEXINGTON INSURANCE COMPANY  
a/k/a SOUTHERN RISK SPECIALISTS, INC.,  
ARBY CONSTRUCTION, INC., ENERGY INSURANCE  
MUTUAL LIMITED, WISCONSIN PUBLIC SERVICE  
CORPORATION, ACUITY, A MUTUAL INSURANCE  
COMPANY, PORTSIDE BUILDERS, INC.,  
ACE AMERICAN INSURANCE COMPANY,  
FERRELLGAS OPERATING, LIMITED PARTNERSHIP  
a/k/a FERRELLGAS, L.P., FERRELLGAS, INC.,  
GENERAL CASUALTY COMPANY OF WISCONSIN,  
CEDAR GROVE RESORT, INC.

Defendants,

and

HARBOR CONSTRUCTION OF DOOR COUNTY, INC.,

Third-Party Defendant.

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## ORDER APPROVING MINOR SETTLEMENT

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This matter having come on for hearing before the court on May 6, 2008, on Petition for Approval of Minor Settlements of the claims of the three minor plaintiffs herein, and the minor plaintiffs, James B. Higdon, Patrick J. Higdon II and Megan E. Higdon having appeared by their Guardian ad Litem, John R. Teetaert and plaintiffs James F. Brooks and Margery E. Brooks as co-guardians having appeared in person and also by their attorneys, Habush Habush & Rottier S.C. and Fabian Sklar & King, P.C. Other appearances are as noted on the record.

This court having reviewed the Petition for Approval of Minor Settlement as well as the supporting exhibits. In addition, the court having been advised by the co-guardians James F. Brooks and Margery E. Brooks that each of them feels the settlements are in the best interest of the minor children, James B. Higdon, Patrick J. Higdon II and Megan E. Higdon.

**NOW THEREFORE**, based on the entire file herein and the Petition for Approval of Minor Settlement, supporting exhibits and statements made on the record at the time of the hearing, the court orders as follows:

1. All claims for punitive damages are dismissed with prejudice and without costs.
2. Settlement of the compensatory damage claims of Megan E. Higdon for the total sum of \$7,130,000.00 is hereby approved as being fair and reasonable and in the best interest of the minor, Megan E. Higdon.
3. The Megan E. Higdon Irrevocable Trust Fund and the individually designed structured settlement split funded between Metropolitan Life Insurance Company and John Hancock Life Insurance Company with future payments to be made to the Megan E. Higdon Irrevocable Trust Fund per the schedule contained in Exhibit E of the Petition for Approval of Minor Settlement are hereby approved as being in her best interest and shall be utilized in this case.
4. Settlement of the compensatory damage claims of Patrick J. Higdon II for the total sum of \$7,316,000.00 is hereby approved as being fair and reasonable and in the best interest of the minor, Patrick J. Higdon II.

5. The Patrick J. Higdon II Irrevocable Trust Fund and the individually designed structured settlement split funded between Metropolitan Life Insurance Company and John Hancock Life Insurance Company with future payments to be made to the Patrick J. Higdon II Irrevocable Trust Fund per the schedule contained in Exhibit E of the Petition for Approval of Minor Settlement are hereby approved as being in his best interest and shall be utilized in this case.
6. Settlement of the compensatory damage claims of James B. Higdon for the total sum of \$6,727,000.00 is hereby approved as being fair and reasonable and in the best interest of the minor, James B. Higdon.
7. The James B. Higdon Irrevocable Trust Fund and the individually designed structured settlement split funded between Metropolitan Life Insurance Company and John Hancock Life Insurance Company with future payments to be made to the James B. Higdon Irrevocable Trust Fund per the schedule contained in Exhibit E of the Petition for Approval of Minor Settlement are hereby approved as being in his best interest and shall be utilized in this case.
8. The fees and costs to Habush Habush & Rottier S.C. and Fabian Sklar & King, P.C. as set forth in Exhibit E of the Petition for Approval of Minor Settlement are deemed reasonable in amount given the nature of the work performed, the complexity of the case, and the risk undertaken by the law firms in this matter, and are hereby approved.
9. All subrogation interests including those of Blue Cross Blue Shield of Michigan shall be satisfied from the proceeds of this settlement.
10. The Guardian ad Litem and natural guardians are authorized to execute appropriate releases and other concluding documents to effectuate the intent of this settlement.
11. All claims of the plaintiffs against the defendants are hereby dismissed with prejudice and without further costs subject only to the court retaining jurisdiction to enforce the settlement should that be necessary.
12. Payment of the settlement proceeds with the exception of those amounts paid to fund the structured settlements, shall be made payable to the trust account of Habush Habush & Rottier S.C. and received within 20 days from the date of this Order.

Dated this 6th day of May, 2008.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge